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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of

Administration of the  
North American Numbering Plan

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CC Docket No. 92-237  
Phases One and Two

To: The Commission

COMMENTS

Dean Brothers Publishing Company (Dean Brothers), by its attorneys, hereby files its Comments in the above captioned matter. In support of its position, Dean Brothers shows the following.

Dean Brothers' Interest In This Matter

Dean Brothers is engaged in the business of publishing information of utility to the telecommunications industry. Dean Brothers publishes Fryer's Site Guide, a directory of commercially available communications towers throughout the United States. (A sample of one of the six annual, regional volumes of Fryer's Site Guide is attached hereto.) Dean Brothers is concerned that the Commission make the best possible decision concerning the administration of the North American Numbering Plan (NANP). As the attached sample of one of the six annual, regional volumes of Fryer's Site Guide demonstrates, Dean Brothers is experienced in the processing of large quantities of data which are essential to the telecommunications industry and in rendering that data in a form which is most convenient to its users.

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Dean Brothers would be able quickly to take over the task of administering the NANP from Bellcore. Because Dean Brothers has no close association with any element of the telephone industry, Dean Brothers would be ideally suited to undertake the tasks of the Numbering Plan Administrator. If the Commission adopts a structure within which Dean Brothers could make a substantial contribution to the public interest, Dean Brothers would be highly interested in applying for appointment as the Numbering Plan Administrator.

#### The Structure Proposed By The Commission Is Sound

The Commission has correctly perceived the problem posed by the need to make substantial changes in the NANP, and has proposed the appropriate structure for future administration of the NANP. Dean Brothers agrees with the Commission at paragraph 18 of the Notice of Proposed Rule Making that "NANP administrative functions would best be performed by a single, non-governmental entity established by [the] Commission and not closely identified with any particular industry segment." Dean Brothers also agrees with paragraph 17 of the NPRM that the Commission must designate a new administrator promptly.

#### Administration Should Be Isolated From Policy Determination

Separate from and isolated from the Numbering Plan Administrator, the Commission should establish a policy board "to assist regulators in developing and coordinating numbering policy under the NANP," NPRM at para. 25. The policy board should have two duties, namely, making recommendations to the Commission for administration of the NANP, and, to the extent possible, resolving disputes among carriers. To assure impartiality of the Numbering Plan

Administrator and to maintain the Commission's authority in the critical task of managing the NANP, the Commission should require the policy board to make recommendations to the Commission. The Commission, or a delegated authority of the Commission, should then accept or reject the recommendations of the policy board and provide appropriate instructions to the Administrator, based on the Commission's decisions.

Dean Brothers believes that the Commission can benefit from assigning to the policy board the duty of being the court of first resort for carriers which have a conflict with one another, provided that the Commission acts on lessons which are available from a review of the functions of the Private Radio Services frequency coordinating committees. The lesson to be learned and to be applied to the proposed policy board is that, if the Commission is to impose a duty of dispute resolution on an external entity, it must imbue the entity with sufficient power actually to resolve a dispute. Although the Commission in 1986 imposed a duty on the Private Radio Services coordinators to engage in the resolution of post-licensing conflicts, it did not give them any power to impose a resolution. Accordingly, that dispute resolution system is impotent and saves the Commission no work. If the Commission is to give to the proposed policy board any duty of resolving disputes, it must give the board the powers necessary to carry out the task.

Were there to be any dispute between the proposed policy board and the Administrator, or between a carrier and the Administrator, the Commission should preserve the independence of the Administrator from the carriers by reserving to the Commission the sole power to resolve any such dispute. It is only by insulating the Administrator from the powers of the policy board

and individual carriers that the Commission can hope to maintain impartiality in the Administrator.

### The Simplest Compensation Plan Is The Best

The Commission proposed several alternatives by which the Administrator might be compensated for its work. Among those alternatives were the imposition of regulatory fees on carriers, with the Commission using those fees to pay the Administrator; voluntary contributions; and charging for numbering resources.

The administration of the scarce natural resource of numbers within a given range is too important to the North American economy for the public interest to rely on the kindness of the carriers to make voluntary contributions. The Commission is well aware of the lines along which the telephone industry is divided and should have no difficulty recognizing that some segments would be content to rely on the contributions of others eternally. To preserve the ability of the Administrator to carry out its duties, and to assure that all segments of the industry pay their fair shares of the costs of number regulation, the Commission should dismiss any thought of relying on voluntary contributions.

Collection of regulatory fees by the Commission and payment of a sum to the Administrator would necessarily result in the consumption of a significant part of the funds because of the necessity of the Federal Government's handling, managing, and accounting for the money. Dean Brothers suggests that to avoid imposing unnecessary costs on the carriers by

the Commission's handling of funds, the Commission should require the carriers pay the Administrator directly.

Were the Commission to pay the Administrator, it would necessarily impose a period of delay between the time that Administrator submitted a justification for funding and the time that the Commission acted upon a funding request. Not only could compensation to the Administrator follow far behind the actual need, but a determination of the amount to be paid to the Administrator could involve the Commission in unnecessary political wrangling with the carriers concerning the amount to be collected and paid.

The Commission's eight years of experience with the Private Radio Services frequency coordinating committees has not given the Commission cause to de-certify any of them, despite the facts that each committee generally has no competition and that the Commission does not regulate in any way the rates which the coordinators charge for their services. The Commission's record of satisfaction with the Private Radio Services frequency coordinators provides a strong basis for the Commission's giving the Administrator the power to charge carriers directly for its services and for the number resources which each carrier consumes. Although the Commission's experience with the frequency coordinators does not point toward a need to establish any standard, if the Commission feels a need to set a standard, then Dean Brothers suggests that the Administrator be required to charge rates which are just and reasonable.

At paragraph 36 of its NPRM, the Commission indicated that the Administrator might charge for "numbering resources". While the allocation of numbers to each carrier would serve as an appropriate basis for distributing the cost of the Administrator's general overhead to the carriers and, thereby, to the members of the public which are the ultimate beneficiaries of the NANP, there are tasks which various carriers can be expected to demand that the Administrator perform which are unpredictable for budgeting purposes, and for which the allocation of numbers is not an appropriate basis for charging. Dean Brothers expects that among other special services, carriers may ask for reports on the availability of certain groups of numbers, for studies of certain statistical factors, or for numbering plan recommendations. Where a carrier requests that the Administrator perform a specific service for which the use of numbers is not the appropriate basis for charging, the Commission should provide the Administrator with the flexibility to recover a charge which is not based on an allocation of numbers to the user of the service.

#### The Administrator Requires Greater Control Of Numbering


Dean Brothers agrees with the Commission's tentative conclusion at paragraph 10 of the NPRM that the public interest would be well served by centralizing central office code functions in the Numbering Plan Administrator. If the Commission is to assure that maximum use is made of the scarce public resource of numbers, then it needs to assign the regulation of central office codes to the Administrator.

### Conclusion

For all the foregoing reasons, Dean Brothers respectfully requests that the Commission act promptly to designate a new Numbering Plan Administrator and that it adopt a structure for determination of policy and administration of the NANP which will best maintain the Commission's authority and which will establish and preserve the impartiality of the Administrator.

Respectfully submitted,  
DEAN BROTHERS  
PUBLISHING COMPANY

By

  
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